

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 PAUL T. HAMMERNESS
Supervising Deputy Attorney General
3 TROY B. OVERTON, State Bar No. 171263
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-5516
Fax: (415) 703-5480
6 Email: Troy.Overton@doj.ca.gov

7 Attorneys for Defendant JUDGE ROBERT ATTACK
(erroneously named as JUDGE ROBERT ATTACK)

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 **BEVERLY THORP,**

13 Plaintiff,

14 v.

15 **JUDGE ROBERT ATTACK, et al.,**

16 Defendants.

Case No. C08-01449 JF

**JUDGE ROBERT ATTACK'S REPLY TO
PLAINTIFF'S FAILURE TO OPPOSE
MOTION TO DISMISS**

**Date: June 20, 2008
Time: 9:00 a.m.
Place: USDC Courthouse
280 South First Street,
Courtroom #3, 5th Floor
San Jose, California
Judge: Hon. Jeremy Fogel**

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20 Pursuant to Civil Local Rule 7-3(a), plaintiff's opposition to Defendant Judge Robert
21 Attack's motion to dismiss all claims for relief against him in the above-captioned case was due
22 to be filed on or before May 30, 2008. To date, Judge Attack has received no opposition from
23 plaintiff or any indication that such a document was filed by plaintiff. Thus, Judge Attack
24 reasserts the arguments set forth in his moving papers and respectfully requests this Court grant
25 his motion to dismiss any and all of plaintiff's claims for relief against him.

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1 Dated: June 6, 2008.

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
4 Attorney General of the State of California

5 PAUL T. HAMMERNESS
6 Supervising Deputy Attorney General

7 s/s Troy B. Overton
8 TROY B. OVERTON
9 Deputy Attorney General

10 Attorneys for Defendant JUDGE ROBERT ATTACK
11 (erroneously named as JUDGE ROBERT ATTACK)
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **THORP, Beverly v. Judge Robert Attack**

No.: **C 08-01449JF**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 6, 2008, I served the attached **JUDGE ATTACK'S REPLY TO PLAINTIFF'S FAILURE TO OPPOSE MOTION to DISMISS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Beverly Thorp
c/o Box 2070
Sunnyvale, CA 94087

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 6, 2008, at San Francisco, California.

Rosalinda F. Asuncion

Declarant

s/s Rosalinda F. Asuncion

Signature